
Appeal Decision

Site visit made on 1 July 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/K5030/Z/18/3211552
128 Moorgate, London EC2M 6SX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by British Telecommunications Plc against the decision of the City of London Council.
 - The application Ref 18/00493/ADVT, dated 11 May 2018, was refused by notice dated 19 July 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the proposed free standing InLink.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. When originally lodged, the appeal was also accompanied by an appeal relating to a Prior Approval proposal for an InLink kiosk that was described as replacing two existing BT payphones. However, following the Westminster CC v SSHCLG & New World Payphones Ltd [2019] EWHC 176 (Admin) judgement, that appeal has been withdrawn.

Main Issue

3. The control of advertisements is exercisable only with respect to amenity and public safety. The main issue in this appeal is the effect of the proposed advertisements on amenity.

Reasons

4. Moorgate is a busy street in the heart of the City. At ground floor level there are a wide range of shops and services within substantial buildings which have offices and similar uses on their upper floors. The building which fronts Moorgate adjacent to the site is undergoing works and is shrouded with scaffolding and material and there are hoardings at ground level which extend over the pavement. As such the existing telephone boxes are obscured to a moderate degree and do not make a significant contribution to the street scene. Once the works are completed the telephone boxes would occupy a central position on the pavement.
5. The adjacent building, Britannic House, is a Grade II* listed building. It has an elaborate stone façade including high level arched windows and is a dominant

feature in the street scene. Britannic House marks one edge of the Finsbury Circus Conservation Area (the CA). The appeal site is within the vista along Moorgate which incorporates Britannic House and the Grade II listed Moorgate Station entrance, and which is an important part of the character and appearance of the CA.

6. Advertising associated with the commercial units on the opposite side of Moorgate is limited to small projecting signs and shopfront signage is recessive. Advertising on Britannic House is discrete as befits a listed building and there are a limited number of street signs.
7. The proposed advertisement display panels would occupy a prominent position in the middle of the pavement. Whilst the work is ongoing at the adjacent building and the shrouding is in place the panels would not be highly visible in the street scene. However, once works are complete and scaffolding is removed, they would be highly visible in views both ways along the street and from a significant distance given the straight alignment of Moorgate. The visibility of the panels would be exaggerated by their internal illumination both during the day and in hours of darkness notwithstanding the controls over luminance levels which are integral to their design. In the context of existing low-key signage in the area, the advertisement display panels would be visually incongruous and out of character with the surrounding public realm.
8. The existing telephone boxes will have a greater impact on the public realm once the works to the adjacent building are complete. However, by virtue of their appearance and particularly the method and intensity of their illumination the proposed advertising panels would be more intrusive and damaging to the amenity of the surrounding area.
9. Given the importance which I have placed on the contribution which the site and the surrounding area make to the character of this part of the CA and to the setting of listed buildings, the adverse impact on amenity arising from the advertisement display panels would also be harmful to these heritage assets.
10. I conclude that the proposed advertisements would be harmful to the amenity created by the character and appearance of the Conservation Area and listed buildings. I have taken into account Policies CS10, CS12, DM10.6, DM12.1 and DM12.2 of the City of London Local Plan (2015) and Policy 7.8 of the London Plan 2016. These policies seek to ensure that advertisements respect the restrained character of the City, that the setting of listed buildings are safeguarded and that conservation areas are preserved and enhanced, and so are material in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

11. The appellants have referred to an advertisement on an InLink unit on Grays Inn Road. However, there is limited information regarding the location of this sign relative to the setting of listed buildings or the level of illumination of the sign. On this basis this reference attracts limited weight and does not outweigh the conclusions which I have reached on the main issue.
12. The appellants consider that the level of illumination of the signs can be satisfactorily controlled by condition. However, there is limited evidence to demonstrate the impact which a fixed, lower level of illumination would have

on the street scene in this case or that this would negate the harm which I have found in relation to the setting of the listed buildings or the character or appearance of the CA.

Conclusion

13. For the reasons set out above, the appeal is dismissed.

Sarah Dyer

Inspector